

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER MARLON NIMOCKS, STAR #10291, ) NO. 03-2522  
DEPARTMENT OF POLICE, CITY OF CHICAGO ) CR#269505

FINDINGS & DECISION

On July 30, 2003, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Marlon Nimocks, Star #10291, (hereinafter sometimes referred to as "Respondent") seeking the discharge of the Respondent for violating the following Rules:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Marlon Nimocks to be held before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on March 9, 2004, April 14, 2004 and April 23, 2004.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the videotapes of the hearing. Michael G. Berland, Hearing Officer, made a report and conferred with the

Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on March 9, 2004, April 14, 2004, and April 23, 2004.

4. Throughout the hearing the Respondent appeared in person and was represented by legal counsel of his own choosing.

5. Respondent Police Officer Marlon Nimocks, Star #10291, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois that Police Officer Nimocks, while off duty, committed the offense of battery in violation of 720 ILCS, section 5/12-3 (a) (1).

B. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park that Illinois, Police Officer Nimocks, while off duty, committed the offense of battery in violation of 720 ILCS, section 5/12-3 (a) (2) .

6. Respondent Police Officer Marlon Nimocks, Star #10291, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois, Police Officer Nimocks, while off duty, engaged in conduct which brought discredit upon the Department.

B. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois, Police Officer Nimocks, while off duty, engaged in conduct which brought discredit upon the Department.

7. Respondent Police Officer Marlon Nimocks, Star #10291, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

A. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois, Police Officer Nimocks, while off duty, did disrespect and/or maltreat any person.

B. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois, Police Officer Nimocks, while off duty, did disrespect and/or maltreat any person.

8. Respondent Police Officer Marlon Nimocks, Star #10291, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

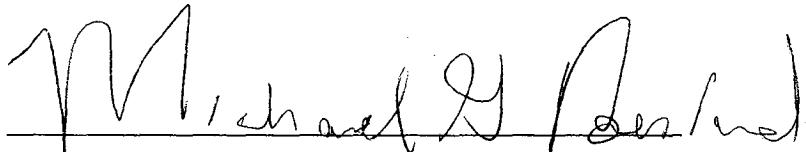
Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois, Police Officer Nimocks, while off duty, engaged in an unjustified verbal or physical altercation with any person, while on or off duty.

B. The Superintendent did not prove that at on or about February 28, 2001, at or near Little Company of Mary Hospital, 2850 W. 95<sup>th</sup> Street, Evergreen Park, Illinois engaged in an unjustified verbal or physical altercation with any person, while on or off duty.

9. By reason of the fact that Police Officer Marlon Nimocks, Star#10291, is not guilty of violating Rules 1, 2, 8 and 9 the Police Board orders that Officer Marlon Nimocks be and hereby is reinstated to his position as a Police Officer with restoration of all of his rights and benefits retroactive to July 31 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Berland". The signature is fluid and cursive, with a horizontal line underneath it.

Michael G. Berland, Hearing Officer

**D E C I S I O N**

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein, and,

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Marlon Nimocks, Star # 10291, as a result of having been found not guilty of the charges in Police Board Case No. 03-2522 is hereby restored to his position as a Police Officer, and to the services of the City of Chicago, effective July 31, 2003.

DATED AS CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 28<sup>th</sup> DAY  
OF July, 2004.

Stephanie Davis  
Michael J. O'Brien  
Patricia C. Boll  
Rev. J. L. Muller  
William O'Fulerty

Michael G. Berland  
Executive Director, Police Board

D I S S E N T

The following members of the Police Board hereby dissent  
from the decision of the majority of the Board.

Samuel J. Clegg  
Victor M. O'Bryan

RECEIVED A COPY OF THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

SUPERINTENDENT OF POLICE